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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,319	03/29/2001	Richard J. Qian	PW 0275028	2274

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EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 04/09/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/821,319

Applicant(s)

QIAN, RICHARD J.

Examiner

Cindy Nguyen

Art Unit

2171

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:                                          |

## **DETAILED ACTION**

This is in response to amendment filed 03/10/04.

### ***Claim Objections***

Claim 61 is objected to because of the following informalities: "the program code storage device according to claim 31" but claim 31 was canceled. Appropriate correction is required.

### ***1. Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 39-44, 46, 47 and 55-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. (U.S 5574845) (Benson) in view of Davis (U.S 5423554).**

Regarding claims 39, 46 and 55, Benson disclose: a method, system and a program code storage device of automatic statistics generation and management, comprising:

generate in real-time semantic information (col. 12, lines 36-64, Benson) based on the tracking information without input from an operator, utilizing software application which include rules and determine from the tracking information sporting statistics that are to be recorded for the game (col. 9, lines 1 to col. 10, lines 59, Benson).

Wherein the semantic information describes actions during the game that lead to consequences which are semantically significant in the game (col. 5, lines 54-66, Benson).

Art Unit: 2171

However, Benson didn't disclose: receiving video input data of a game; generating tracking information by tracking elements, including a player and a ball in the video input data throughout a course of the game. On the other hand, Davis discloses: receiving video input data of a game (col. 7, lines 6-52, Davis); generating tracking information by tracking elements, including a player and a ball in the video input data throughout a course of the game (col. 7, lines 6-52, Davis). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include receiving video input data of a game; generating tracking information by tracking elements, including a player and a ball in the video input data throughout a course of the game in the system of Benson as taught by Davis. The motivation being to enable the system provides an input to video wall processor which in turn drives the CRT cube video wall (col. 7, lines 6-52, Davis).

In addition, Benson/Davis discloses: a head-end system (game computer 218) to receive video input data of a game (col. 7, lines 6-59, Davis);

A statistic management system to store and manage the sporting statistics received from the statistics generation system (col. 5, lines 42-66, Benson).

Regarding claims 40 and 56, all the limitations of these claims have been noted in the rejection of claims 39 and 55 above, respectively. In addition, Benson/Davis discloses: further including storing the sporting statistics (col. 5, lines 54-66, Benson).

Regarding claims 41, and 57, all the limitations of these claims have been noted in the rejection of claims 39 and 55 above, respectively. In addition, Benson/Davis discloses: further including analyzing the sporting statistics (col. 11, lines 35 to col. 12, lines 37, Benson).

Art Unit: 2171

Regarding claims 42, 47 and 58 , most of the limitations of this claim have been noted in the rejection of claims 39, 46 and 55 above, respectively. In addition, Benson/Davis discloses: further including providing the video input data from at least one video camera located at the sporting event (col. 7, lines 5-15, Benson).

Regarding claims 43 and 59, all the limitations of these claims have been noted in the rejection of claims 1 and 55 above, respectively. In addition, Benson/Davis discloses: further including receiving a query for the sporting statistics (col. 12, lines 52 to col. 13, lines 42, Benson).

Regarding claims 44 and 60, all the limitations of these claims have been noted in the rejection of claims 39 and 55 above, respectively. In addition, Benson/Davis discloses: further including analyzing the sporting statistics to discover patterns and predict future trends (col. 5, lines 54-66, Benson).

Regarding claim 48, all the limitations of this claim have been noted in the rejection of claim 46 above. In addition, Benson/Davis/ discloses: further including a gateway connected to the statistics management system to support query applications from a user interface (col. 7, lines 10-52, Benson).

Regarding claim 49, all the limitations of this claim have been noted in the rejection of claim 46 above. In addition, Benson/Davis/ discloses: wherein the statistics generation system includes:

a model manager to access the semantic information and the geometric information (col. 9, lines 1 to col. 10, lines 59, Benson); and

Art Unit: 2171

a statistics generator to receive and process at least one of the semantic and geometric information from the model manager to generate the sporting statistics (col. 9, lines 1 to col. 10, lines 59, Benson).

**3. Claims 45, 54 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. (U.S 5574845) (Benson) in view of Davis (U.S 5423554) and further in view of Ellenby et al. (U.S 5742521).**

Regarding claims 45, 54 and 61 most of the limitations of this claim have been noted in the rejection of claims 39, 46 and 55 above, respectively. However, Benson/Davis didn't disclose: wherein the input data is from a radio frequency (RF) beacon. On the other hand, Ellenby discloses: wherein the input data is from a radio frequency (RF) beacon (col. 9, lines 34-49, Ellenby). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the input data is from a radio frequency beacon in the combination system of Benson/Davis as taught by Ellenby. The motivation being to enable the system provides a brighteyes unit within range of a stadium radio system for sending a request to the transaction data (col. 9, lines 34-49, Ellenby).

**4. Claims 50-53 and 62-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson et al. (U.S 5574845) (Benson) in view of Davis et al. (U.S 5423554) (Davis) and further in view of Kelts (U.S 2002/0112237).**

Regarding claim 50, all the limitations of this claim have been noted in the rejection of claim 46 above. In addition, Benson/Davis discloses: wherein the statistics management system includes: a statistics database to store and manage the sporting statistics (col. 5, lines 54-66, Benson). However, Benson/Davis didn't disclose: a data miner. On the other hand, Kelts

Art Unit: 2171

discloses: a data miner (516, fig. 5 and corresponding text, Kelts) to extract and analyze the sporting statistics stored in the statistics database (p. 12, paragraph 0116, Kelts). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include a data miner in the combination system of Benson/Davis as taught by Kelts. The motivation being to enable the user to access the system to estimate and analyze information associated with the use of display system data.

Regarding claim 51, all the limitations of this claim have been noted in the rejection of claims 50 and 45 above. It is therefore rejected as set forth above.

Regarding claims 52, all the limitations of these claims have been noted in the rejection of claim 46 above, respectively. In addition, Benson/Davis /Kelts discloses: wherein the semantic information is an Extended Markup Language (XML) file (p. 12, paragraph 0126).

Regarding claim 53, all the limitations of this claim have been noted in the rejection of claim 46 above. In addition, Benson/Davis /Kelts disclose: wherein the sporting statistics are saved in a predefined Extended Markup Language (XML) schema (fig. 6 and corresponding text, Kelts). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include XML schema in the combination system of Benson/Davis as taught by Kelts. The motivation being to enable the user to process data information and convert information to XML format to display information over Internet.

Regarding claim 62, all the limitations of this claim have been noted in the rejection of claims 39, 46, 49 and 50 above. It is therefore rejected as set forth above.

Regarding claim 63, all the limitations of this claim have been noted in the rejection of claims 52 and 42 above. It is therefore rejected as set forth above.

Regarding claim 64, all the limitations of this claim have been noted in the rejection of claims 48 and 62 above. It is therefore rejected as set forth above.

Regarding claim 65, all the limitations of this claim have been noted in the rejection of claims 44 and 62 above. It is therefore rejected as set forth above.

Regarding claim 66, all the limitations of this claim have been noted in the rejection of claims 45 and 62 above. It is therefore rejected as set forth above.

**5. *Response to Arguments (03/10/04)***

Applicant's arguments have been considered, but are moot in view of the new ground(s) of rejection.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Art Unit: 2171

## **6. Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fraker et al. (U.S 5434789). GPS Golf diagnostic system.

McDonough et al. (U.S 2002/0072815 A1). Portable information system and method for golf play enhancement, analysis and scorekeeping.


Herz (U.S 6029195). System for customized electronic identification of desirable objects.

## **7. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Cindy Nguyen  
April 6, 2004

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER